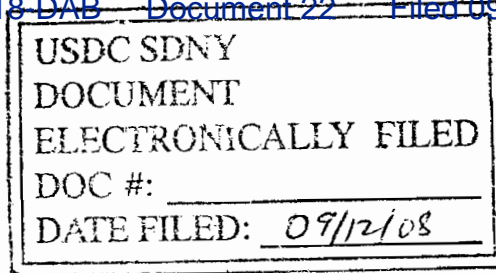


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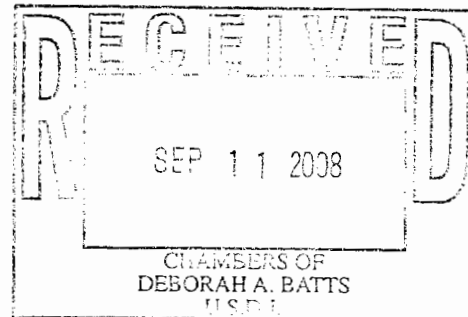
Lauren Reiter Brody
Manatt, Phelps & Phillips, LLP
Direct Dial: (212) 790-4518
E-mail: LBrody@Manatt.com

September 11, 2008

MEMO ENDORSED

BY HAND DELIVERY

Honorable Deborah A. Batts
United States District Judge
Southern District of New York
Daniel Patrick Moynihan Courthouse
500 Pearl Street
New York, New York 10007



Re: Metro-Goldwyn-Mayer Studios Inc. v. Canal + Distribution, S.A.S., et al.
07 Civ. 2918 (DAB)

Dear Judge Batts:

I write to respond to the September 10 letter from plaintiff's counsel, Andrew Deutsch. Mr. Deutsch's letter addresses -- and objects -- at great length to defendants' simple request for an extension of time to allow all defendants to move, at once, against plaintiff's amended and supplemental complaint (the "amended complaint"). I will be brief.

To begin, and as Mr. Deutsch points out, Canal + Distribution, S.A.S. ("Canal + Distribution") is "a new entity", over which jurisdiction must be acquired. This is effected by, inter alia, proper service of the summons and complaint. There is no justification, and it is contrary to procedure, for plaintiff to add a new party to an action without serving it. Mr. Deutsch's assertion that I did not "refute" plaintiff's "showing" regarding alleged corporate changes is misleading. There was no reason to offer any explanation, and I did not accept plaintiff's characterization thereof.

Mr. Deutsch's argument that plaintiff does not need to serve Canal + Distribution because it is a "successor-in-interest", and his reliance on Libutti v. U.S. and City of Richmond v. Madison Management Group, Inc., is off-base. Those cases involved the exercise of personal jurisdiction over a defendant after successor liability had been established at trial. Neither of them has anything to do with, or excuses, service of process.

Although Mr. Deutsch declares that defendants' motion "will be the same as [its] current motion", that is not the case. Plaintiff has added a new defendant and allegations and eliminated

Hon. Deborah A. Batts
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MEMO ENDORSED

other defendants, including the party to the contract at issue. This raises additional grounds for the motion.

Accordingly, I request that the existing defendants' time to respond to the amended complaint be extended until after plaintiff has served Canal + Distribution so that only one motion will be presented to the Court.

granted
DAB
9/12/08

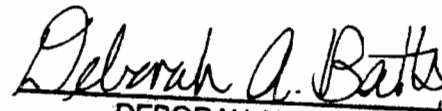
Respectfully submitted,


Lauren Reiter Brody

LRB:aob

cc: Andrew L. Deutsch, Esq.

SO ORDERED


DEBORAH A. BATTS 9/12/08
UNITED STATES DISTRICT JUDGE